

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

UNITED STATES OF AMERICA	)	
	)	
v.	)	Civil Action No. 2:04cv909-MEF
	)	(WO)
CHARLES B. MOSS	)	

**ORDER**

Upon consideration of the motion for relief from judgment pursuant to Fed.R.Civ.P. 60(b)(1) & (4) filed by defendant Charles B. Moss on February 28, 2007 (Doc. No. 33),<sup>1</sup> and for good cause, it is

ORDERED that on or before March 27, 2007, the United States Attorney for the Middle District of Alabama shall file a response to Moss's motion.

Done this 6<sup>th</sup> day of March, 2007.

/s/Susan Russ Walker  
SUSAN RUSS WALKER  
UNITED STATES MAGISTRATE JUDGE

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<sup>1</sup>Although Moss's motion was date-stamped "received" in this court on March 2, 2007, under the "mailbox rule," the court deems his motion filed on the date he delivered it to prison authorities for mailing, presumptively, February 28, 2007, the day that he signed it. *See Houston v. Lack*, 487 U.S. 266, 271-72 (1988); *Washington v. United States*, 243 F.3d 1299, 1301 (11<sup>th</sup> Cir. 2001).